

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
ROBERT E. JONES,	)	
Plaintiff	)	
	)	
v.	)	Civil Action No. 11-10247-MLW
	)	
HIRERIGHT SOLUTIONS, INC.,	)	
Defendant	)	
_____	)	

**DEFENDANT'S ANSWER AND AFFIRMATIVE**  
**DEFENSES TO 1<sup>ST</sup> AMENDED COMPLAINT**

Pursuant to Rules 8 and 12 of the Federal Rules of Civil Procedure, Defendant HireRight Solutions, Inc. ("Defendant"), by and through its undersigned counsel, hereby submits the following Answer and Affirmative Defenses to the 1<sup>st</sup> Amended Complaint in the above-captioned action. Each of the responses set forth below relates to the corresponding paragraph of the 1<sup>st</sup> Amended Complaint:

**INTRODUCTION**

1. The allegations set forth in the first two sentences of this paragraph contain legal conclusions to which no response is required. Defendant denies the allegations set forth in the third sentence of this paragraph. The allegations set forth in the fourth sentence of this paragraph purport to be a claim for relief to which no response is required. To the extent that a response is required, Defendant denies that Plaintiff is entitled to any of the relief referenced therein.

**JURISDICTION AND VENUE**

2. The allegations in this paragraph contain legal conclusions to which no response is required.

3. The allegations in this paragraph contain legal conclusions to which no response is required.

**PARTIES**

4. Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in the first sentence of this paragraph. The allegations of the second sentence of this paragraph contain legal conclusions to which no response is required.

5. Defendant admits the allegations set forth in the first sentence of this paragraph. The allegations of the second sentence of this paragraph contain legal conclusions to which no response is required.

**FACTUAL ALLEGATIONS**

6. Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in this paragraph.

7. Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in both sentences of this paragraph.

8. Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in this paragraph.

9. Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in both sentences of this paragraph.

10. Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in the first sentence of this paragraph. Defendant admits the allegations set forth in the second sentence of this paragraph. The allegations set forth in the third sentence of this paragraph are denied. Defendant lacks knowledge or information

sufficient to form a belief as to the truth or falsity of the allegations set forth in the fourth sentence of this paragraph.

11. Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in this paragraph.

**CAUSE OF ACTION**

12. Defendant repeats and reasserts the responses contained in the responses to Paragraphs 1 through 11 above and incorporates the same by reference herein.

13. Denied.

14. Denied.

15. With respect to the first sentence of this paragraph, Defendant admits that it is aware of its obligations under the FCRA. Otherwise, the allegations set forth in that sentence contain a legal conclusion to which no response is required. The second sentence of this paragraph contains a legal conclusion to which no response is required. Further answering, Defendant denies the allegations in this paragraph to the extent they suggest, directly or indirectly, that Defendant breached any obligation under the FCRA.

16. With respect to the first sentence of this paragraph, Defendant admits that it is aware of its obligations under the FCRA. The second sentence of this paragraph contains a legal conclusion to which no response is required. Further answering, Defendant denies the allegations in this paragraph to the extent they suggest, directly or indirectly, that Defendant breached any obligation under the FCRA.

17. Denied.

18. Denied.

19. Denied.

20. No response is required.

### **AFFIRMATIVE DEFENSES**

#### **First Affirmative Defense**

The Plaintiff's Complaint fails to state a claim upon which relief may be granted.

#### **Second Affirmative Defense**

The Plaintiff's claims are barred by the doctrine of unclean hands.

#### **Third Affirmative Defense**

The Plaintiff's claims are barred by the doctrines of waiver and/or laches.

#### **Fourth Affirmative Defense**

The Plaintiff's claims are barred by the doctrine of estoppel.

#### **Fifth Affirmative Defense**

Plaintiff has sustained no damages.

#### **Sixth Affirmative Defense**

If Plaintiff has been damaged, it is by reason of the acts or omissions of the Plaintiff or some third party, not by reason of anything the Defendant did or failed to do.

#### **Seventh Affirmative Defense**

To the extent that any damages were suffered by the Plaintiff, which Defendant expressly denies, any such damages are barred or must be reduced due to the Plaintiff's failure to mitigate its damages.

#### **Eighth Affirmative Defense**

Each and every claim asserted by the Plaintiff in the Complaint is barred in whole or in part and cannot be maintained against the Defendant because, at all material times, Defendant

acted reasonably, in good faith and without malice based upon all relevant facts and circumstances known by Defendant at the time.

**Ninth Affirmative Defense**

The Plaintiff's Complaint, and the claim set forth therein, is barred in whole or in part because Defendant satisfied all obligations it had under any applicable law, including the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.*

**Tenth Affirmative Defense**

Defendant reserves the right to amend its answer to add such other defenses and/or counterclaims as become available and apparent during the course of discovery in this action.

WHEREFORE, Defendant HireRight Solutions, Inc. respectfully requests that this Court grant judgment in its favor and dismiss the Plaintiff's 1<sup>st</sup> Amended Complaint with prejudice and costs, along with such other further relief as it deems just.

Respectfully submitted,

/s/ Daniel J. Cloherty  
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DATED: April 5, 2011

*Attorney for Defendant HireRight Solutions, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on April 5, 2011.

/s/ Daniel J. Cloherty